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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,499	11/10/2000	Kevin Irlen	KIRLP001	5143

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EXAMINER	
LE, MIRANDA	

ART UNIT	PAPER NUMBER
2177	11

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PRE

Office Action Summary	Application No.	Applicant(s)	
	09/710,499	IRLEN, KEVIN	
	Examiner	Art Unit	
	Miranda Le	2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07/31/2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5-8,14,17 and 19-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5-8,14,17 and 19-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 07/31/2003.

2. Claims 1, 5-8, 14, 17, 19-35 are pending in this application. Claims 1, 8, 14, 17, 19 are independent claims. In the Amendment A, claims 2-4, 9-13, 15-16, 18 have been canceled, claims 1, 5-8, 14, 17 have been amended, claims 19-35 have been added. This action is made Final.

3. The objection to the specification of the invention has been withdrawn in view of the amendment.

Drawings

4. The drawings filed on 11/10/2000 are **not approved** by the Draftperson under 37 CFR 1.84 or 1.152 for the reasons submitted in Form PTO 948.

Claim Objections

5. Claim 19 is objected to because of the following informalities: line 6 of claim 19, "and." should be changed to "and" (i.e., no dot after the word "and"). Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "may be", "may have" in claims 1, 17 are relative terms which render the claims indefinite. The term "may have", "may be" are not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless:
>
> (e) the invention was described in
>
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
>
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 6-8, 14, 17, 19-26, 30, 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Rao et al. (US Patent No. 6,628,312 B1).

Rao anticipated independent claims 1, 8, 14, 17, 19, by the following:

As per claim 1, Rao teaches "a computer implemented method of for presenting modeling information using a combination of space and time relationships and hierarchical, semantic relationships, the method comprising: providing at least one database comprising a plurality of data models elements, each of said data models elements having a mechanism to containing a representation of data in a space and time relationship" at col. 2, lines 27-42, col. 3, line 46 to col. 4, line 6, col. 5, lines 21-34, col. 10, lines 26-33, Fig. 1B;

"organizing each data element such that each data element may have at least one frame each frame containing quantitative data along time and space axes and such that each data element may have at least one event, each event configured so that it may be positioned along the time axis and include at least one hierarchical connection to at least one other of the plurality of data elements" at col. 2, lines 27-52, col. 7, lines 6-9, col. 9, lines 19-42, col. 10, lines 1-56, Figs. 4, 7, 8, 13, 17;

"wherein the hierarchical connection between each of the plurality of data elements is made through at least one event in each of two or more of the plurality of data elements with a link the link defined by a link model each link model categorizing data and indicating the purpose of the associated link" at col. 2, lines 27-42, col. 5, lines 21-34, col. 6, lines 51-59, Fig. 7.

As per claim 8, Rao teaches "a computer implemented method for modeling data, the method comprising: organizing the data into data elements, each data element configurable to have a frame and a second portion" at col. 3, lines 46-67, col. 4, lines 27-42, Fig. 17;

"configuring each frame such that the frame includes a place to hold a physical representation of the respective data element including date, position, extension, orientation, and additional data regarding the respective data element" at col. 4, lines 1-6, col. 10, lines 26-33,

"where the date information provides a location in time for the respective data element, and the position information provides an indication of position in a coordinate system" at col. 2, lines 27-52, col. 7, lines 6-9, col. 8, lines 42-52, col. 10, lines 1-56,

"configuring each data element such that the second portion includes a place to hold semantic information in the form of a link to at least one second data element and a link model that describes the reason why the link to the at least one second data element exists" at col. 2, lines 27-42, col. 5, lines 21-34, col. 6, lines 51-59, Fig. 7.

As per claim 14, Rao teaches "a computer program product for organizing data according to a data model, the product comprising: computer code that provides at least one database comprising a plurality of data elements, each of said data elements containing a representation of data in a space and time relationship, and being linked to other data elements in a hierarchical relationship via one or more links, each link defined by a link models, each link model categorizing data and indicating the purpose of the associated link" at col. 3, line 46 to col. 4, line 17, col. 5, lines 19-34, col. 6, lines 18-59, Fig. 7;

"computer code that retrieves at least one of the data elements such that information can be viewed based on spatial relationships, time relationships, or hierarchical relationships; and a computer readable medium that stores the computer code" at col. 2, lines 27-42, col. 3, line 46 to col. 4, line 17.

As per claim 17, Rao teaches "a method of creating a database using a data model, the method comprising: creating data elements, each data element having an event" see Fig. 1B;

"connecting the events in a space and time relationship" at col. 5, lines 19-34, col. 2, lines 27-42, Fig. 7, Fig. 9;

"providing a linking mechanism such that each data element may be linked to at least one to other data element based on at least one common event in each of the data elements" at col. 6, lines 37-58, Figs. 8, 9;

"assigning a link model to each of the links, the link model providing a reason for the existence of the link" at col. 5, lines 21-34, col. 6, lines 51-59.

"the linking of the data elements organizing the data elements in the database" at col. 6, lines 51-60.

As per claim 19, Rao teaches "a data model comprising:

a plurality of worldliness, each worldline having" at col. 2, lines 27-42, col. 6, lines 17-60,

"a time dimension" at col. 5, lines 19-34, col. 8, lines 42-67,

"and a unique identifier" at col. 6, lines 37-47,

"at least one frame, the at least one frame including space/time information and a unique identifier" see Fig. 17;

"an omni-directional link between at least two of the plurality of worldlines, the link including information regarding why it exists and a unique identifier" at col. 6, lines 17-60.

As per claim 6, Rao teaches "at least one of the plurality of the data elements is for a person" at col. 9, lines 48-56., Fig. 17.

As per claim 7, Rao teaches "at least one of the plurality of the data elements is for a geographic location" at col. 9, lines 48-56, Figs. 17, 18.

As per claim 20, Rao teaches "each worldline has a second dimension including at least one event having a unique identifier and organized in a time relationship" at col. 7, lines 32-36, col. 8, lines 42-67, Fig. 17.

As per claim 21, Rao teaches "each link includes a link model having a unique identifier" at col. 6, lines 37-47.

As per claim 22, Rao teaches "each frame includes date information" at col. 8, lines 29-41, col. 10, lines 21-33.

As per claim 23, Rao teaches "each frame includes position information" at col. 9, lines 19-41, Fig. 17.

As per claim 24, Rao teaches "each frame includes extension information" at col. 7, lines 33-37, col. 8, lines 52-67, Fig. 17.

As per claim 25, Rao teaches "each frame includes orientation information" at col. 9, lines 31-41.

As per claim 26, Rao teaches "each frame includes simple raw data or a pointer to complex raw data" at col. 6, lines 17-59, Figs. 6, 9, 17.

As per claim 30, Rao teaches "at least one of the plurality of data elements is for a business" at col. 9, lines 19-63.

As per claim 33, Rao teaches "at least one of the plurality of data elements is for a product" at col. 9, lines 19-63.

As per claim 34, Rao teaches "at least one of the plurality of data elements is for a building" at col. 9, lines 19-63.

As per claim 35, Rao teaches "at least one of the plurality of data elements is for a service" at col. 9, lines 19-63.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 5, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al. (US Patent No. 6,628,312 B1), in view of Israel et al. (US Patent No. 6,600,501 B1).

As per claim 5, Rao does not specifically teach "at least one of the plurality of the data elements is for a historical event". However, Israel teaches this limitation at col. 7, lines 13-31, col. 8, lines 7-23.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rao with the teachings of Israel to include "at least one of

the plurality of the data elements is for a historical event" in order to allow users to more efficiently view different historical information by changing the dynamic setting information.

As per claim 31, Rao does not specifically teach "at least one of the plurality of data elements is for a school". However, Israel teaches this limitation at col. 6, lines 44-58, col. 8, lines 36-49.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rao with the teachings of Israel to include "at least one of the plurality of data elements is for a school" in order to allow users to select dates and subjects and retrieve related information.

11. Claims 27-29, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rao et al. (US Patent No. 6,628,312 B1), in view of Toong et al. (US Patent No. 6,604,114 B1).

As per claim 27, Rao does not specifically teach "at least one of the plurality of data elements is for a photograph". However, Toong teaches this limitation at col. 4, lines 36-67, col. 11, line 65 to col. 12, line 19.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rao with the teachings of Toong to include "at least one of the plurality of data elements is for a photograph" in order to provide a method for displaying and correlating data records in a visually comprehendible manner so as to effectively communicate relationships amongst data records.

As per claim 28, Rao does not specifically teach "at least one of the plurality of data

elements is for a painting". However, Toong teaches this limitation at col. 4, lines 36-67, col. 11, line 65 to col. 12, line 19.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rao with the teachings of Toong to include "at least one of the plurality of data elements is for a painting" in order to provide a method for displaying and correlating data records in a visually comprehendible manner so as to effectively communicate relationships amongst data records.

As per claim 29, Rao does not specifically teach "at least one of the plurality of data elements is for a musical composition". However, Toong teaches this limitation at col. 4, lines 36-67, col. 11, line 65 to col. 12, line 19.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rao with the teachings of Toong to include "at least one of the plurality of data elements is for a musical composition" in order to provide a method for displaying and correlating data records in a visually comprehendible manner so as to effectively communicate relationships amongst data records.

As per claim 32, Rao does not specifically teach "at least one of the plurality of data elements is for a product". However, Toong teaches this limitation at col. 11, line 65 to col. 12, line 19.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Rao with the teachings of Toong to include at least one of the plurality of data elements is for a product" at least one of the plurality of data elements is for

a product" in order to provide a method for displaying and correlating data records in a visually comprehendible manner so as to effectively communicate relationships amongst data records.

Response to Arguments

12. Applicant's arguments regarding Aokineither discloses nor suggests the subject matter now claimed with respect to claims 1, 5-8, 14, 17, 19-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (703) 305-3203. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Miranda Le
October 1, 2003

GRETA ROBINSON
PRIMARY EXAMINER 10/14/03